

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KORI TAYLOR,

Plaintiff,

v.

**PATRICK FIRMAN
DAVID KIRK
LAKE COUNTY JAIL
Defendants.**

Case No. 07 C 6934

Judge Norgle

Magistrate Judge Schenkier

DEFENDANTS' ANSWER TO COMPLAINT

Now come the Defendants, Lake County Sheriff's Chief Deputy of Corrections Patrick Firman, Lake County Sheriff's Corrections Supervisor David Kirk, and Lake County Jail, by and through their attorneys, MICHAEL J. WALLER, State's Attorney of Lake County, Illinois, and JENNIFER MCDONNELL, DANIEL L. JASICA and TARA H. ORI, Assistant State's Attorneys for Lake County, and in Answer to Plaintiff's Complaint, state as follows:

1. The County of Lake along with the following individuals and entity, in their official and individual capacities failed to provide plaintiff Kori Taylor with a hearing for alleged violations of facility rules, Patrick Firman (Deputy of Corrections) and David Kirk (Classification Supervisor).

ANSWER: Defendants deny the allegations contained in paragraph 1.

2. This is a violation of my fourth (4th) Amendment Right, which is Due Process.

ANSWER: Defendants deny the allegations contained in paragraph 2.

3. On or about February 15, 2006 plaintiff was scheduled to be removed from the Punitive Segregation Unit for a previous violation of Lake County Jail facility rules.

ANSWER: Defendants deny the allegations contained in paragraph 3.

4. At approximately 2:30 on or about (2/15/06) plaintiff was informed that he would not be removed from Punitive Segregation, even though his sentence was completed.

ANSWER: Defendants deny the allegations contained in paragraph 4.

5. Plaintiff was detained in Punitive Segregation until or about April 30 2006 (4-30-06).

ANSWER: Defendants deny the allegations contained in paragraph 5.

6. This violates my 8th amendment right (Cruel and Unusual Punishment) and also violates my inmate Rights. Which are, the right to safe and humane treatment. Given with respect, impartiality and fairness. And also violates my right to be informed of the rules and procedures that directly effect me within the facility.

ANSWER: Defendants admit that Plaintiff has an 8th Amendment right against cruel and unusual punishment. Defendants deny the remaining allegations, including any and all claims that the Defendants deprived him of his 8th Amendment Rights.

AFFIRMATIVE DEFENSES TO ALL CLAIMS

Affirmative Defense No. 1 to all claims: PLRA – Claim for emotional distress claim is barred

Plaintiff did not suffer a physical injury as a result of any act of these defendants and therefore his claim for emotional distress is barred by the Prison Litigation Reform Act (42 U.S.C. 1997e)(“PLRA”).

Affirmative Defense No. 2 to all claims: PLRA – Failure to exhaust administrative remedies

Plaintiff did not file a grievance regarding his detention in the Administrative Segregation Unit (“ASU”) from February 15, 2006 through April 30, 2006 and therefore his claim is barred

by the Prison Litigation Reform Act (42 U.S.C. 1997e)(“PLRA”) for failure to exhaust his administrative remedies.

Affirmative Defense No. 3 to all claims: Qualified Immunity

Defendants in their individuals capacities assert that each of them is entitled to qualified immunity from suit since he did not violate any clearly established constitutional rights of the plaintiff of which an objectively reasonable officer or employee in his position would have been aware at the times alleged in plaintiff’s complaint.

Respectfully submitted,

MICHAEL J. WALLER
State’s Attorney of Lake County

By: s/ Tara H. Ori
Assistant State’s Attorney

Michael J. Waller
States Attorney of Lake County
Tara Ori #6282033
Assistant States Attorneys
18 N. County Street
3rd Floor
Waukegan, IL 60085
(847) 377-3050